

108TH CONGRESS  
2D SESSION

# S. 2094

To protect United States workers from competition of foreign workforces  
for performance of Federal and State services contracts.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. DODD introduced the following bill; which was read twice and referred to  
the Committee on Governmental Affairs

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## A BILL

To protect United States workers from competition of foreign  
workforces for performance of Federal and State services  
contracts.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “United States Workers  
5       Protection Act of 2004”.

6       **SEC. 2. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**  
7                       **CONTRACTS FOR THE PROCUREMENT OF**  
8                       **GOODS AND SERVICES.**

9       (a) LIMITATIONS.—

1           (1) IN GENERAL.—The Office of Federal Pro-  
2           curement Policy Act (41 U.S.C. 403 et seq.) is  
3           amended by adding at the end the following new sec-  
4           tion:

5   **“SEC. 42. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**  
6                   **CONTRACTS FOR THE PROCUREMENT OF**  
7                   **GOODS AND SERVICES.**

8           “(a) CONVERSIONS TO CONTRACTOR PERFORMANCE  
9   OF FEDERAL ACTIVITIES.—An activity or function of an  
10   executive agency that is converted to contractor perform-  
11   ance under Office of Management and Budget Circular  
12   A-76 may not be performed by the contractor or any sub-  
13   contractor at a location outside the United States except  
14   to the extent that such activity or function was previously  
15   performed by Federal Government employees outside the  
16   United States.

17          “(b) FEDERAL CONTRACTS FOR THE PROCUREMENT  
18   OF SERVICES.—(1) A contract for the procurement of  
19   goods or services that is entered into by the head of an  
20   executive agency may not be performed outside the United  
21   States except to meet a requirement of the executive agen-  
22   cy for goods or services specifically at a location outside  
23   the United States.

24          “(2) The President may waive the prohibition in  
25   paragraph (1) in the case of any contract for which the

1 President determines in writing that it is necessary in the  
2 national security interests of the United States for goods  
3 or services under the contract to be performed outside the  
4 United States.

5 “(3) Paragraph (1) does not apply to goods or serv-  
6 ices performed outside the United States under the excep-  
7 tion provided in subsection (a).

8 “(c) STATE CONTRACTS FOR THE PROCUREMENT OF  
9 SERVICES.—(1) Funds appropriated for financial assist-  
10 ance for a State may not be disbursed to or for such State  
11 during a fiscal year unless the chief executive of that State  
12 has transmitted to the Administrator for Federal Procure-  
13 ment Policy, not later than April 1 of the preceding fiscal  
14 year, a written certification that none of such funds will  
15 be expended for goods or services performed outside the  
16 United States under contracts for the procurement of  
17 goods or services entered into by such State.

18 “(2) In this subsection, the term ‘State’ means each  
19 of the several States of the United States, the District  
20 of Columbia, the Commonwealth of Puerto Rico, the Com-  
21 monwealth of the Northern Mariana Islands, the Virgin  
22 Islands, Guam, American Samoa, and the Trust Territory  
23 of the Pacific Islands.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions in section 1(b) of such Act is amended by add-  
3           ing at the end the following new item:

“Sec. 42. Limitations on off-shore performance of contracts for the procurement  
of services.”.

4           (b) INAPPLICABILITY TO STATES DURING FIRST  
5 TWO FISCAL YEARS.—Section 42(c) of the Office of Fed-  
6 eral Procurement Policy Act (as added by subsection (a))  
7 shall not apply to disbursements of funds to a State dur-  
8 ing the fiscal year in which this Act is enacted and the  
9 next fiscal year.

10          (c) REPEAL OF SUPERSEDED LAW.—Section 647 of  
11 the Transportation, Treasury, and Independent Agencies  
12 Appropriations Act, 2004 (division F of Public Law 108–  
13 199) is amended by striking subsection (e).

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